

--At least one interviewee's and at least a second interviewee's answer video data may be captured simultaneously when both are present and answering interview questions from the same interviewee's communication station.--

Remarks

Claim 4 stands rejected under 35 USC § 101 as lacking utility in view of a single camera capturing at least one interviewee's and at least a second interviewee's answer video data. Respectfully, the Examiner is requested to reconsider the rejection in light of the following. At least one interviewee's and at least a second interviewee's answer video data may be captured simultaneously when both are present and answering interview questions from the same interviewee's communication station. It is well known that a single camera can easily be used to capture the images of two or more persons simultaneously. The specification is amended to include the subject matter originally disclosed in the claim. No new matter has been added, as the subject matter of the new paragraph was included in Claim 4 as originally filed.

Claims 1-3 and 5-15 stand rejected under 35 USC § 103(a) as unpatentable over U.S. Patent 5,170,632 (Greenberg, *et al.*) in view of U.S. Patent 5,671,409 (Fatseas, *et al.*) and further in view of Canadian Patent 2,231,914A (Vien). The rejection is respectfully transversed.

The present invention is a system for asynchronously recording video and audio data wherein interviewer and interviewee are remotely located from each other.

The examiner cites three references to create a roadmap of the present invention: Greenberg *et al.* for a system for interviewing, Fatseas *et al.* for accessing stored video images; and Vien for recording video responses. However, there is no

suggestion or motivation in each of the references, implicit or inherent, to combine the references.

Greenberg et al. discloses a system for evaluating human subjects at a remote test site. A general surveillance camera is trained on the subjects as a test is administered to determine the subjects' fitness and objective performance data is collected and stored.

As the examiner acknowledges, Greenberg et al. fail to disclose a system wherein video data is collected. Greenberg et al. do teach or suggest that it would be desirable to collect video data. Instead, Greenberg et al. teach that the video camera present is for security purposes.

Fatseas et al. discloses an electronically stored compilation of career information that is made accessible to a user. Within the compilation are embedded video data. In this invention, the flow of data is strictly one-way, from the publisher to the user. There is no suggestion or motivation by Fatseas et al. but to produce a compilation of career information in an interesting and interactive way to school children and others who are investigating career choices. Col. 1, lines 14-25. Fatseas et al. do not suggest that presentation of career information is any way part of an interview for an actual job.

Vien discloses an electronic "resume," i.e. curriculum vitae, wherein video/audio data clips are embedded. These clips are statements by the job seeker of presumably his/her qualifications. Vien discloses that these statements may be *anticipatory* of questions that an interviewer *may* ask. However, there are no actual questions prepared by an actual employer and Vien does not teach or suggest doing so. In other words, the job seeker is not answering any questions, but rather presenting himself in one more way in addition to written information. Vien teaches a static resume in an electronic format with video data embedded. This is significantly different than an interview system, where an interviewee is answering actual questions posed by an

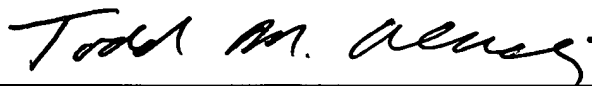
interviewer, i.e., an interactive manner. Nor does Vien provide motivation for combining the teachings of Greenberg and Fatseas with Vien's.

Notwithstanding the lack of motivation to combine the references, their combination would not yield the present invention, as claimed. Rather, the combination would yield a system where a person could view video clips giving information relating to a particular career, such as a fireman, astronaut, etc. (as taught by Fatseas et al.) and then take a written test to determine his/her suitability for the career (as taught by Greenberg et al.) and/or leave a CD or DVD which includes a video resume (as taught by Vien). However, the combination would not lead to or render obvious an interactive and asynchronous interview system which (1) presents the interviewee with an interviewer's video questions, which (2) captures the interviewee's video answers to the video questions in real time, which (3) stores the interviewee's video answers together with the interviewer's video questions, and which (4) forwards the interviewee's video answers to the interviewer. In the combination suggested by the examiner, there simply would be no questions posed to the system user or answers supplied by the system user (Fatseas et al. teaches that the user may be the one asking questions in order to learn about a career), and even if there were, there would be no motivation to provide a camera to capture answers and/or an mechanism for forwarding the answers to an interviewer. Indeed, there wouldn't even be an interviewer in the combination suggested by the examiner, since there are no interview questions.

Applicant believes that no additional fees are dues. However, this is also a petition and a request to charge Account No. 19-4516 for any additional extension and/or fee as may be required or credit for any excess fee paid.

In light of the above, Applicant respectfully submits that all claims, namely Claims 1-15, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,



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